

(vi) Impact, including description of time, date, aircraft altitude, airspeed, angle of attack, and related facts at time of impact;

(vii) Personal and survival equipment, and survivability;

(viii) Rescue/crash response;

(ix) Maintenance;

(x) Airframe;

(xi) Crew qualifications;

(xii) Medical, including use and function of restraint systems;

(xiii) NAVAIDS and facilities; and

(xiv) Results of on-sight and off-sight testing.

(2) *Evaluative report.* The purpose of this report is to improve safety by preventing accidents/incidents. This report is used to assist agencies to build or enhance an effective aviation safety program. This report contains the conclusions, opinions, and recommendations of the investigator(s) and certain designated witness' statements. Except for the aforementioned witness statements, no factual information and/or material not available in the factual report should be referred to or relied upon in this report. Evaluative notes of the agency's investigator(s), to the extent they may be retained, should be attached to this report.

(i) The utility of the evaluative report depends in part on candid statements and observations by witnesses or those directly involved in the accident/incident. (See paragraph (d) of this section.) Therefore, the investigator-in-charge should inform witnesses that their statements are #intended to be used only for safety evaluation and improvement purposes.

(ii) If the investigator-in-charge, in consultation with agency counsel, has determined that a witness' statement may be privileged, it should be attached only to the evaluative report.

(c) Limited use and protection of the evaluative report. The evaluative report, attachments, and report endorsements are exempt from disclosure to the extent covered by 5 U.S.C. 552 (b)(5). Agency counsel can determine the extent of such coverage. The evaluative report should be used only for safety purposes.

(d) Preventing use of information contained in the evaluative report for other than its intended purposes en-

courages aircraft accident/incident witnesses, investigator(s), and endorsers of aircraft evaluative reports and attachments to provide complete, open, and forthright information, opinions, conclusions, and recommendations regarding the accident/incident investigated. If aircraft accident/incident investigator(s) and endorsers believed that their deliberations, opinions, and recommendations could be used for other than safety purposes, they might be reluctant to develop or include in their reports and endorsements information which would be vital for safety and for the prevention of future loss of life, bodily injury, and/or property damage.

(e) Investigators. Consistent with the policies and procedures contained in paragraphs (a) through (e) of this section, all investigators, including but not limited to investigators-in-charge, may testify as to the factual information they obtained during the course of the accident investigation, including factual evaluations embodied in the factual report.

[57 FR 48331, Oct. 23, 1992]

### Subpart 101-37.12—Federal Agency Aviation Safety Program

SOURCE: 59 FR 27486, May 27, 1994, unless otherwise noted.

#### § 101-37.1200 General.

(a) This subpart sets forth guidance to agencies for establishing aviation safety programs in accordance with the direction given to GSA in OMB Circular A-126, but the subpart is not binding on other agencies.

(b) The aviation safety program objective is the safe accomplishment of the agency mission, and is a direct result of effective management which should include attention to detail sufficient to preclude the occurrence of an accident. Each agency should establish appropriate key management positions and define their responsibilities and qualifications. Agencies should ensure these positions are staffed with properly qualified personnel.

#### § 101-37.1201 Applicability.

As prescribed in this subpart 101-37.12, the requirement to develop and